THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.16914 of 2000

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Date: 11.07.2007

Between:

Syed Noor Basha, S/o.Y.Azamthulla

..... PETITIONER

AND

Regional Transport Officer,
Anantapur, Anantapur District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.16914 of 2000

ORAL ORDER:

The petitioner was operating a Stage Carriage Bus bearing Registration No.MEC 3072 under a Pucca Stage Carriage Permit on Anantapur Town Service Route – Power House to Tower Clock (via) Government Hospital etc. The said permit was valid upto 07.01.2002. Since the said vehicle became un-roadworthy, he purchased a later model vehicle bearing Registration No.CTS 8127 and applied for transfer of ownership of the said proposed vehicle in his favour. The existing vehicle was having a seat capacity of 48 in all, whereas, the later model vehicle was having the seat capacity of 42 in all. The respondent, the Regional Transport Officer, by the impugned order, dated 05.09.2000, advised the petitioner to increase the seats from 42 to 48 according to Rule 334 of Andhra Pradesh Motor Vehicles Rules and to produce the vehicle before the Motor Vehicle Inspector, Anantapur, after alteration.

In a similar case, the Division Bench of this Court in W.P.No.6945 of 1989, on 11.09.1997, held that rejection of permit on the ground that the vehicle is not of the same nature and that the bus intended to be replaced is of lesser seats than the earlier one, is not tenable, and accordingly allowed the writ petition. Following the said judgment, this Court disposed of W.P.No.17592 of 1999, directing the petitioner therein to make appropriate application within two weeks and also directed the respondent-authority to consider and dispose of the same within two weeks thereafter.

Learned counsel for the petitioner submits that pursuant to the interim order passed by this Court on 19.10.2000, respondent permitted the replacement of the vehicle of the petitioner, and that the Stage Carriage Permit was expired on 07.01.2002.

In view of the same, no further orders are necessary in this writ petition. However, if the Rule does not authorize the replacement of the vehicle with a lesser capacity, while renewing the permit, it is

always open for the respondent to insist the compliance of the statutory Rules in that regard.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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A. GOPAL REDDY, J

Date: 11.07.2007

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